

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

*In re Dealer Management Systems Antitrust
Litigation*, MDL 2817

No. 1:18-CV-00864

This document relates to:

Hon. Robert M. Dow, Jr.

ALL PENDING CASES

Magistrate Judge Jeffrey T. Gilbert

**DEFENDANT THE REYNOLDS AND REYNOLDS COMPANY’S MOTION TO BAR
PLAINTIFF MVSC’S NEWLY DISCLOSED CLAIMS BASED ON THE VIRGINIA AND
WISCONSIN EVR MARKETS**

Defendant The Reynolds and Reynolds Company (“Reynolds”) respectfully moves this Court for an order barring Plaintiff Motor Vehicle Software Corp. (“MVSC”) from pursuing claims based on harm allegedly suffered in the Virginia or Wisconsin EVR markets as described in the August 26, 2019 expert report of Gordon Klein—a theory which is not alleged in MVSC’s complaint and which MVSC never disclosed to Reynolds during fact discovery.

In support of this motion, Reynolds incorporates by reference the memorandum of law filed concurrently herewith, any reply memorandum that Reynolds may file, and any oral argument the Court may allow at a hearing on this motion.¹

[Signature block on following page]

¹ This Motion is not a discovery motion or a motion within the scope of Local Rule 37.2. Nevertheless, out of an abundance of caution, Reynolds states that to the extent the Court construes this motion as a discovery motion, compliance with Rule 37.2’s meet-and-confer requirement should be excused because there is no reasonable prospect that MVSC will voluntarily withdraw the theories of harm set out in Gordon Klein’s damages report based on the Virginia and Wisconsin EVR markets. *See* Dkt. 498 (where the parties’ positions were “absolute,” “no point would have been served by more consultation than occurred”). Also, as set forth in the accompanying memorandum, the parties have been discussing the scope of this case for the past two years.

Dated: October 16, 2019

Respectfully submitted,

/s/ Leo D. Caseria

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CERTIFICATE OF SERVICE

I, Leo D. Caseria, an attorney, hereby certify that on October 16, 2019, I caused a true and correct copy of the foregoing **DEFENDANT THE REYNOLDS AND REYNOLDS COMPANY'S MOTION TO BAR PLAINTIFF MVSC'S NEWLY DISCLOSED CLAIMS BASED ON THE VIRGINIA AND WISCONSIN EVR MARKETS** to be filed and served electronically via the court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Leo D. Caseria

Leo D. Caseria

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